

FEB 23 2006

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Our File No.

4430-29

Serial No.: 09/967,126

Filed: September 28, 2001

Entitled: CONTROLLER DATA SHARING USING A MODULAR DMA  
ARCHITECTURE

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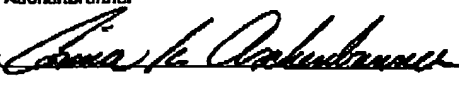
FEB 23 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: ) Group Art Unit: 2152  
)  
PECONE ) Examiner: Tim T. Vo  
)  
Serial No.: 09/967,126 ) Date of Notice of Allowance: 1/25/2006  
)  
Filed: September 28, 2001 ) NOTIFICATION OF INCORRECT ASSIGNMENT  
) OF LARGE ENTITY STATUS BY USPTO AND  
) REQUEST CHANGE IN STATUS RESULTING IN  
) SMALL ENTITY STATUS  
For: "CONTROLLER DATA SHARING )  
USING A MODULAR DMA )  
ARCHITECTURE" )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

<p align="center"><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b></p> <p>I hereby certify that the correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 571.273.8300) on February 23, 2006.</p> <p>Typed or printed name of person signing this certification: Corina K. Aschenbrenner</p> <p>Signature: </p>
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Applicant, through his attorney, hereby notifies the United States Patent and Trademark Office of Applicant's Small Entity status. On September 28, 2001, Applicant filed a Verified Statement claiming Small Entity status in the present application, a copy of which is attached hereto. On January 25, 2006, Applicant's attorney received the Notice of Allowance and Issue Fee which indicates Applicant is not a small entity. As a result, Applicant was charged a Large Entity Issue Fee incorrectly by the United States Patent and Trademark Office. Applicant respectfully requests a corrected Notice of Allowance and Fee(s) Due reflecting Applicant's Small Entity status.

While Applicant believes that there is no fee due, please charge any fees due to Deposit Account No. 19-1970.

Respectfully submitted,  
SHERIDAN ROSS P.C.

By 

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Registration No. 46,299  
1560 Broadway, Suite 1200  
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(303) 863-9700

Date: Feb. 23, 2006

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am an official empowered to act on behalf of Chaparral Network Storage Inc., of 7420 East Dry Creek Parkway, Longmont, Colorado 80503, a small business concern.

I hereby declare that Chaparral Network Storage Inc. qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "CONTROLLER DATA SHARING USING A MODULAR DMA ARCHITECTURE" and identified as Attorney File No. 4430-29, described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME N/A  
ADDRESS N/A  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 9-26-01

By: 

Thomas J. Lavan  
Vice President, Corporate Development  
7420 East Dry Creek Parkway  
Longmont, Colorado 80503